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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[19 March 1996]

1. The International Federation of Human Rights Leagues (IFHR) and its affiliate the Sudan Human Rights Organisation (SHRO) remain deeply concerned by the situation of human rights in the Sudan. This situation has not changed for the better in 1995. In some respects, it has in fact shown clear signs of deterioration. The war, the most serious arena for human rights abuses, continues to generate grave violations by all parties to the conflict.

2. Although the Government announced a transition from the so-called "revolutionary legitimacy" to democracy and embarked on the election of the National Parliament and the President of the Republic, these developments are nullified by the ban on freedom of expression and association. Moreover, the legal framework within which the regime operates remains unchanged. The regime is still opposed to political pluralism and is still committed to its Islamist ideology and to the implementation of the Shari'a. The rights of women, marginalized groups and children continue to be subject to serious violations and curtailments. The absence of an independent judiciary has led to the absence of any check and balance mechanism whereby citizens can seek redress against the violence committed against them by the State.

3. Neither the repeated amnesties declared by the Government nor the changes in the National Security Act spelled the end of the practice of arbitrary detention under the current regime. Detainees have continued to be kept for indefinite periods without charge or trial even after the Government's declarations of amnesties. Article 6 of the Second Constitutional Order, issued on 30 June 1989, instituted a state of emergency which is still in force and accordingly the head of State or those authorized by him are invested with the power of detaining any person or persons suspected of threatening political or economic security.

4. The regime's flagrant human rights abuses are taking place against the wider background of the deprivation to which the vast majority of Sudanese citizens are subjected. The colossal cost of the regime's war has led to a spiralling rise in the cost of living and an unprecedented drop in the standard of living (at the time of writing, inflation is estimated at 114 per cent, according to the International Monetary Fund). Public services have suffered seriously, particularly health services. Malaria and tuberculosis have become endemic and the cost of treatment and drugs is beyond the vast majority of citizens.

The civil war

5. The intensification of the war since 1989 has led to the displacement of hundreds of thousands of southern citizens who fled to the relative safety of neighbouring countries or to the north. The citizens who still remain in the war zone are subjected to gross human rights abuses by the government army or its militias or by the rival rebel factions. A cease-fire, brokered by the former President of the United States, Jimmy Carter, at the end of March 1995, came to an end in August 1995 when hostilities resumed. During the cease-fire period, a great number of people benefited from a vaccination campaign against the endemic Guinea worm and river blindness that was carried out by the United Nations Operation Lifeline Sudan (OLS). Unfortunately OLS was denied access to many government-held areas. Governmental clearance for relief flights remained selective and there were reports about aerial bombardments against civilian targets. There were also reports about militia activities, which involved the capture of children in the northern areas of Bahr el-Ghazal and Upper Nile who were allegedly reduced to a status of servitude.

6. In fighting that broke out between the Sudanese People's Liberation Army and the Southern Sudan Independent Movement in Kongor in September 1995, 23 died and 38 were injured. Among the dead were 11 civilians.

7. Reports reaching SHRO about the regime's training camps paint a grim picture of harsh conditions and severe hardship. The extreme rigour of the physical routine, poor food and lack of proper medical care have cost many young men their lives. In November 1995, SHRO received a report from reliable sources about the death of two conscripts: Uthman Bashir Abu Aqla and Abu Dhar 'Abd al-Ghani. Abu Aqla, a recent graduate from the Faculty of Arts at the University of Khartoum, died in el-Sileit camp (about 50 kms south of Khartoum) on 21 November 1995 after he was subjected to brutal treatment: he was made to stand for hours on end, had cold water poured on him and he was subjected to severe beating for two days. Abu Dhar 'Abd al-Ghani was

a student who had just finished high school. He died in a camp in el-Getina (60 kms south of Khartoum) after he had contracted malaria. Despite the deterioration of his health and the protests and pressure of his colleagues, he received no medical attention.

8. Aid relief for civilians has been used for purposes of political leverage. In November 1995, the Government banned all relief flights from outside the country into southern Sudan. This led to the cancellation of operations by OLS and the International Committee of the Red Cross. The ban was partially lifted in December 1995. In northern urban centres, "street children" are constantly harassed, subjected to arbitrary arrest and sent to special camps. These children belong almost exclusively to displaced people from the south and the Nuba Mountains. Even if the children live with their families and inform the captors of their addresses, they are unlawfully seized and sent to camps. The camps are set up as instruments of Islamization and military training. The parents of children who disappear are left without any governmental help and they rely exclusively on their own resources and fortuitous circumstances to locate the whereabouts of their children. The lack of governmental cooperation with parents and the regime's resistance to any international investigation of the matter are to be expected as the Government itself is creating and deepening the problem. In September 1995, and during the period of popular unrest, about 3,370 "street children" were rounded up and taken to the emergency courtyard of Kober Prison in Khartoum North. They were left there for a whole day without food or drink and they eventually broke out in a mass escape.

Arrests, torture and deaths

9. A worldwide campaign was mounted to exert pressure on the Government to release al-Sadiq al-Mahdi, the former democratically elected Prime Minister. He was arrested on 16 May 1995, shortly after expressing views critical of the Government's policies in a mosque sermon. He was never formally charged, though some of the regime's spokesmen threatened to put him on trial, accusing him of collaboration with the externally-based opposition. Al-Mahdi's arrest was followed by the arrest of scores of his followers throughout the country. On 25 August 1995, al-Mahdi was released. Commenting on the circumstances of his latest detention, he described them as of the worst. Another wave of arrest included people in Wad Medani, Hasaheisa, Mesellemiya, Singa and the Halawin area. Reports reaching SHRO from reliable sources confirm that the torture apparatus is still in place and that torture is still routine for detainees. In late August 1995, SHRO expressed its concern about advocate Muhammad Abd Allah Mushshawi (aged 65) after receiving reports that he was being severely tortured. Not only was he subjected to torture but he was allowed no access to medical care despite his deteriorating health condition. In October the veteran Nuba politician, Reverend Philip Abbas Gaboush, was arrested and there were disturbing reports that he was subjected to torture.

10. Mr. Shihab Ali Yusuf, who is a student at the Faculty of Environmental Studies, Ahlia University of Omdurman, was detained from September 1995 to January 1996. He was paraded on national television and accused of tearing up a copy of the Koran. During his detention, he was severely tortured and almost lost the ability to move.

11. SHRO sources confirmed the death of Ahmed Musallam (aged 44) a citizen from the Nuba Mountains, on 26 August 1995. According to SHRO sources, the Popular Police stopped him in Mayo, Khartoum, and shot him dead. The Popular Police tried to conceal his body but his family was eventually able to retrieve it from Khartoum Hospital mortuary. Our sources did not give any motive for the killing but what should be borne in mind is that extrajudicial killing by regular or paramilitary forces are commonly not investigated by the authorities. The members of these forces can usually violate rights, including the right to life, with impunity.

Recommendations

(i) The Government of the Sudan should abide by its human rights obligations and lift all anti-human rights laws in the Sudan and stop the arbitrary arrests, torture and extrajudicial killings of the suspected political opponents.

(ii) The Government of the Sudan should respect international law in the treatment of civilians in the war zone, stop its brutal campaign of forcible conscription and stop the civil war by recognizing the right to self-determination of the people of southern Sudan and the Nuba Mountains.

(iii) The Government should provide access to the United Nations Special Rapporteur, Mr. Gáspár Bíro and other international human rights monitors to observe and report on the human rights situation in Sudan.